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Counsel for Defendants
Allegiant Travel Company and Allegiant Air, LLC

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

REBECCA BRATCHER, on behalf of herself
and all others similarly situated,

Plaintiff,

v.

ALLEGiant TRAVEL COMPANY,

Defendant.

DEANNA HERR, on behalf of herself and all
others similarly situated,

Plaintiff,

v.

ALLEGiant AIR, LLC,

Defendant.

Lead Case No.: 2:20-cv-00767-APG-BNW

[Consolidated with Case No. 2:20-cv-01002]

**STIPULATION AND ORDER SETTING
SCHEDULE FOR CONSOLIDATED
COMPLAINT AND RESPONSIVE
PLEADING**

[FIRST REQUEST]

1 Defendants ALLEGIANT TRAVEL COMPANY and ALLEGIANT AIR, LLC
2 (collectively, “Allegiant”), by and through their undersigned counsel of record, and Plaintiffs
3 REBECCA BRATCHER and DEANNA HERR (collectively, “Plaintiffs”), by and through their
4 undersigned counsel of record, hereby stipulate and agree to set a deadline for Plaintiffs to file a
5 Consolidated Complaint in the above-captioned matter, and to set a schedule for Allegiant’s
6 responsive pleading to the forthcoming Consolidated Complaint. Good cause exists to grant this
7 Stipulation, based on the following:

8 WHEREAS, on June 5, 2020, Plaintiff Rebecca Bratcher filed a motion for an order
9 consolidating *Herr v. Allegiant Air, LLC*, Case No. 2:20-cv-01002 (D. Nev. 2020) (the “*Herr*
10 *Action*”) with this case (ECF No. 17) (the “Consolidation Motion”);

11 WHEREAS, Allegiant did not oppose the Consolidation Motion because this case and the
12 *Herr Action* are putative class actions concerning consumer refunds on Allegiant flights as a
13 result of the COVID-19 pandemic, and thus Allegiant agreed that consolidation would promote
14 efficiency;

15 WHEREAS, on June 25, 2020, the parties filed a Stipulation (ECF No. 25) indicating that a
16 Consolidated Complaint would be filed if the Court granted the Consolidation Motion, and that
17 Allegiant would respond to that Consolidated Complaint in lieu of responding separately to
18 Bratcher’s and Herr’s complaints in different actions;

19 WHEREAS, the parties’ June 25, 2020 Stipulation also advised the Court that this case and
20 the *Herr Action* were the subject of a motion to transfer both cases, along with dozens of other
21 COVID-19 airline ticket refund cases, before the Judicial Panel on Multi-District Litigation (MDL
22 No. 2957) (the “MDL Transfer Motion”);

23 WHEREAS, on June 30, 2020, the Court granted the parties’ Stipulation and ordered that
24 Allegiant’s responsive pleading in this case would be triggered by a decision on the Consolidation
25 Motion (ECF No. 30);

26 WHEREAS, the MDL Transfer Motion was subsequently withdrawn (ECF No. 35);

27 WHEREAS, on October 14, 2020, with the MDL Transfer Motion withdrawn, the Court:
28 granted the Consolidation Motion; consolidated this case with the *Herr Action*, with Case No. 2:20-

cv-00767-APG-BNW as the lead case; and reassigned the *Herr* Action to Judge Andrew Gordon for all further proceedings (ECF No. 36);

WHEREAS, to proceed efficiently and orderly, the parties met and conferred in good faith, and agreed to set a schedule for Plaintiffs to file their Consolidated Complaint and for Allegiant's response to the Consolidated Complaint.

NOW, THEREFORE, IT IS HEREBY STIPULATED by and between Plaintiffs and Allegiant, subject to the Court's approval, that:

- (1) Plaintiffs shall file their Consolidated Complaint in this consolidated action on or before November 9, 2020;
- (2) Allegiant shall answer, move or otherwise respond to the Consolidated Complaint on or before December 16, 2020;
- (3) Plaintiffs' opposition to any motion in lieu of answer by Allegiant shall be due on or before January 15, 2021;
- (4) Allegiant's reply in further support of any such motion shall be due on or before February 5, 2021.

IT IS SO STIPULATED.

DATED this 21st day of October, 2020.

DATED this 21st day of October, 2020.

GREENBERG TRAUIG, LLP

**WOLF, RIFKIN, SHAPIRO, SCHULMAN &
RABKIN, LLP**

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ORDER

IT IS SO ORDERED

DATED: 4:19 pm, October 23, 2020



BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE